

REMARKS/ARGUMENTS

1. *Status of the Claims*

Claims 1, 4, and 7 are pending and under consideration with entry of this Amendment.

2. *Rejections under 35 U.S.C. § 112*

The Examiner rejected all of the pending claims under 35 U.S.C § 112, first and second paragraphs. However, the Examiner stated that the rejections would be obviated if a deposit of the Owarihatamochi rice variety was deposited under the Budapest Treaty.

Applicants have now deposited the seeds. As evidence of the deposit, Applicants provide herein a copy of the deposit receipt (including a translation) as well as a declaration from an inventor, Shuichi Fukuoka, stating that the deposit was made and that restrictions to access will be removed when the patent application is granted.

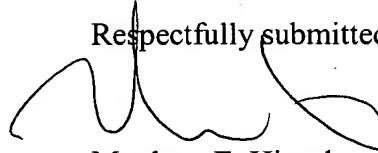
Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 112, first and second paragraphs.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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